

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ALDINA CAGLE,)
Plaintiff,)
vs.) Case No. 1:07CV157SNL
POPLAR BLUFF TOOL & DIE CO.)
ET. AL.,)
Defendants.)

MEMORANDUM AND ORDER

Plaintiff has filed this ERISA action alleging that defendants have wrongfully terminated her long-term disability income benefits under her employee long-term disability plan. This matter is before the Court on defendant Poplar Bluff Tool & Die Co.'s motion for summary judgment (#15), filed October 23, 2007.¹ Plaintiff has filed a responsive pleading. This cause of action is set for a bench trial on the Court's trial docket of September 22, 2008.

In its summary judgment motion, defendant Poplar Bluff Tool & Die contends that it is not the "plan administrator" therefore it is not subject to civil liability under ERISA. Defendant further contends that contrary to the plaintiff's assertions, it has tendered (albeit late) plan documents as requested by the plaintiff.

Plaintiff, on the other hand, disputes these contentions. She avers that defendant has not tendered copies of all the plan documents as requested. She further contends that without said documents, she cannot agree that defendant is only the "plan sponsor" and not "plan administrator", especially as that term is defined under 29 U.S.C. §1132(c)(1) [**ERISA §502(c)(1)**]. As of the date of plaintiff's response, she had not received a copy of the Summary Plan Description, nor the Form 5500 for the defendant's long-term disability plan. What

¹The instant motion was filed in Case No. 4:07CV1196SNL as Document #15. On November 19, 2007 this case was transferred from the Eastern Division of the Eastern District of Missouri to the Southeastern Division of the Eastern District of Missouri and given a new case number, Case No. 1:07cv157SNL.

documents she did receive did not identify or designate the “plan administrator”. *See*, Declaration of Gregory A. Oliphant.

Upon review of the parties’ pleadings, and submitted exhibits, it is clear to this Court that two (2) material issues of fact remain in dispute: plaintiff’s receipt of plan documents as requested and the identification of the “plan administrator” for the subject ERISA plan. Since these matters are instrumental to the resolution of this litigation, summary judgment cannot be granted to the defendant at this time.

Accordingly,

IT IS HEREBY ORDERED that defendant Poplar Bluff Tool & Die Co.’s motion for summary judgment (#15) be and is **DENIED**.

Dated this 14th day of January, 2008.



Stephen T. Limbaugh

SENIOR UNITED STATES DISTRICT JUDGE